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CRIMINAL JUSTICE REFORM AND STRENGTHENING OF LEGAL INSTITUTIONS

INTERNATIONAL COOPERATION AND ASSISTANCE IN THE MANAGEMENT OF THE CRIMINAL JUSTICE SYSTEM: COMPUTERIZATION OF CRIMINAL JUSTICE OPERATIONS AND THE DEVELOPMENT, ANALYSIS AND POLICY USE OF CRIME AND CRIMINAL JUSTICE INFORMATION

Report of the Secretary-General

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INTRODUCTION

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its fifth session, the Economic and Social Council adopted resolution 1996/11 of 23 July 1996 entitled "International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of crime and criminal justice information".

2. In its resolution, the Council urged Member States to assist the Secretary-General in the establishment of both an advisory steering group and the identification of a standing pool of experts, to be administered by the Secretary-General in close coordination with the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, including assistance from the administration of the United Nations Crime and Justice Information Network (UNCJIN) and the United Nations On-line Crime and Justice Clearing House (UNOJUST)

3. In the same resolution, the Council requested the Secretary-General to conduct a survey of national capacities for the collection of crime statistics, as a supplement to the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (1990-1994).

4. The present report has been prepared in response to the Council request, also contained in its resolution, that the Secretary-General should keep the Commission informed about the progress made.

I. STATUS OF THE FIFTH UNITED NATIONS SURVEY OF CRIME TRENDS AND OPERATIONS OF CRIMINAL JUSTICE SYSTEMS

5. The United Nations has made a considerable effort to promote the United Nations surveys of crime trends and operations of criminal justice systems. The main objectives of the surveys have been:

(a) To promote informed decision-making in the administration of criminal justice, nationally and cross-nationally;

(b) To stimulate Member States to develop their own systems of criminal justice information;

(c) To provide institutions and experts with criminal justice statistics and hypotheses for special research with a view to improving the effectiveness of programmes to reduce and control crime;

(d) To provide Member States with an overview of, and an opportunity to study, the relationship between various parts of the criminal justice system.

6. In pursuance of General Assembly resolution 3021 (XXVII), the Secretariat carried out the first worldwide survey of crime trends, covering the period 1970-1975, and submitted it to the General Assembly almost twenty years ago. Since then, three additional surveys have been carried out, covering the periods 1975-1980, 1980-1986 and 1986-1990. However, within the United Nations Crime Prevention and Criminal Justice Programme network, there have been altogether some 30 major outputs, including progress reports and reports utilizing selected survey data.*

7. The Fifth Survey, covering the period 1990-1994, is currently being conducted. At the time of writing, 94 States and/or regions had responded to the Fifth Survey. As in the case of the previous surveys, the Crime Prevention and Criminal Justice Division of the Secretariat is conducting the Fifth Survey jointly with the Statistics Division of the Secretariat, with the support of the resident representatives of the United Nations Development Programme (UNDP) and in cooperation with several of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network (United Nations Interregional Crime and Justice Research Institute (UNICRI), the European Institute for Crime Prevention and Control, affiliated with the United Nations, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the Naif Arab Academy for Security Sciences.

8. In order to maintain continuity in the data sets and to involve all States in all regions of the world in the various documents and publications that make use of the survey results, the Secretariat encourages States that have not yet submitted replies to the Fifth Survey to do so as soon as possible. The Secretariat will avail itself of the sixth session of the Commission as an opportunity to obtain data and information from non-responding States. The results of this effort will form the quantitative basis of the *Global Report on Crime and Justice*, described below.

A. *Global Report on Crime and Justice*

9. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its first session, the Council adopted resolution 1992/22. Pursuant to section I, paragraph 2 (f) of that resolution, the programme

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*All listed in "United Nations surveys of crime trends and operations of criminal justice systems (1970-1995): documentation list" (A/CONF.169/CRP.2). The major publications include: *Trends in Crime and Criminal Justice, 1970-1985, in the Context of Socio-economic Change: Results of the Second United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies* (United Nations publication, Sales No. E.92.IV.3); *Crime Trends and Criminal Justice Operations at the Regional and Interregional Levels: Results of the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies* (United Nations publication, Sales No. E.94.IV.2); Ken Pease and Kristiina Hukkila, eds., *Criminal Justice Systems in Europe and North America*, European Institute Publication Series No. 17 (Helsinki, European Institute for Crime Prevention and Control, affiliated with the United Nations, 1990); *Delineation of Crucial Issues of Criminal Justice in Asia* (A/CONF.121/UNAFEI); *Crime and Justice in Asia and the Pacific: a Report on the Third United Nations Survey of Crime Trends, Operations of Criminal Justice Systems and Crime Prevention Strategies, 1980-1986* (Tokyo and Canberra, 1990); the interim report prepared by the Secretariat on the results of the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (A/CONF.169/15); and the interim report by the Secretariat on the results of the supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, on Transnational Crime (A/CONF. 169/15/Add.1).

budget of the Division for the years 1996-1997 includes the publication of the *Global Report on Crime and Justice*. On the initiative of UNICRI, preliminary meetings were held during which methodological issues were discussed and a table of contents was drafted. Thanks to a generous contribution from the Asia Crime Prevention Foundation, a non-governmental organization in special consultative status with the Economic and Social Council, the Division, in close consultation with both UNICRI and the European Institute for Crime Prevention and Control, affiliated with the United Nations, is currently preparing the *Global Report*, which will be modelled on the *Human Development Report* published annually by UNDP. The intent of the United Nations is to produce a publication that, to the extent possible and wherever relevant, is based on the results of the various data collection efforts of the United Nations Crime Prevention and Criminal Justice Programme. It is expected that the audience for the publication will be law and criminal justice policy and decision makers, and other governmental and non-governmental actors concerned with matters of crime and justice. To this end, the *Global Report* will give an up-to-date picture of the global crime situation, with particular emphasis on the changing nature of criminality and of the unique and diverse approaches to combating and preventing crime.

10. A panel met to review draft chapters of the *Global Report* during the annual conference of the American Society of Criminology, held at Chicago, Illinois, United States of America, from 20 to 23 November 1996. Supported by the Division on International Criminology of the American Society of Criminology, the panel presented papers on resources in criminal justice, crime prevention, crime victims and data problems in prosecution and court information systems. In addition, significant time was given to logistical matters related to the publication of the *Global Report*, such as the appointment of a substantive editor, the creation of a database of the results of the Fifth Survey and the use of multi-colour charts and graphs in the presentation of data.

11. An expert group meeting to further review the *Global Report* and to analyse the results of the Fifth Survey as used in that report is to take place during the annual conference of the American Society of Criminology to be held in November 1997.

B. European and North American analysis of the results of the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems

12. The European Institute for Crime Prevention and Control, affiliated with the United Nations, publishes periodic regional reports on the United Nations surveys of crime trends and operations of criminal justice systems for Europe and North America. A report entitled *The European and North American Analysis of the Results of the Fifth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (1990-1994)* is envisaged for publication in 1998.

13. In preparation for that publication, the European Institute sponsored an expert working group to discuss the methodological and technical questions of concern, held at Luosto, Finland, from 23 to 25 January 1997, which resulted in the development of a framework for the publication as well as a determination of the distribution of work among the drafters.

14. That framework included the elaboration of a set of crime indicators, policy indicators, motivation and opportunity factors and individual national profiles. For the expert working group, the report of the European Institute would represent a departure from previous reports, in that it would be criminologically informed. That is, rather than simply describing the criminal justice systems in the States of Europe and North America, the European Institute intends to incorporate findings from the criminology and criminal justice research community in an attempt to provide policy suggestions and proposals for action to Governments in the regions concerned. As a basis for the proposals, the report will refer to the United Nations standards and norms in crime prevention and criminal justice.

C. Other data collection and statistical activities

1. Transnational crime

15. In response to the growing need to understand the dimensions and extent of transnational crime, and in accordance with existing mandates, the Secretariat is revising and redistributing the survey on transnational crime that first appeared as a supplement to the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems (A/CONF.169/15/Add.1).

2. Guide on Development and Analysis of Criminal Justice Statistics

16. With the generous assistance of the Canadian Centre for Justice Statistics, the Division, in cooperation with the Statistics Division of the Department for Economic and Social Information and Policy Analysis of the Secretariat, plans to publish the *Guide on Development and Analysis of Criminal Justice Statistics*, as envisaged in the current work programme of the Division. The Guide will examine the specific data collection problems of developing countries and the question of collecting data on transnational crime, and offer specific guidelines and recommendations for successful monitoring of crime and criminal justice operations, including the experience gained in computerization of criminal justice statistics.

II. RESULTS OF THE SURVEY OF NATIONAL CAPACITIES

17. As noted in paragraph 3 above, the Secretary-General was requested to conduct, using existing resources of the regular budget of the United Nations, a survey of national capacities for the collection of crime statistics, as a supplement to the Fifth Survey, using as a draft guide the form annexed to Council resolution 1996/11, as presented to the Commission at its fifth session by the Government of Argentina.

18. As of 18 February 1997, 15 Member States had completed and submitted the form annexed to the resolution, the contents of which may be summarized as follows. All respondents indicated that statistics are kept on reported or detected crimes. Most indicated that all types of crimes are recorded, and that data are collected from national, regional and provincial locations.

19. Most respondents indicated that statistics include the following breakdowns: by crime; by sex; by age; by instances of violence against persons; by violence against property; and by use of firearms.

20. A nearly equal number of respondents indicated that their statistical collection includes the following breakdowns: by existence of a link between the victim of violent crime and the offender; by agency receiving reports; and by legal property involved.

21. Thirteen of the 15 respondents indicated that data are collected periodically. Intervals for collection varied, but tended to be on a monthly and an annual basis.

22. Few States in the sample collect or attempt to collect data on the number of unreported crimes. Victimization surveys were the most common method for this purpose.

23. Several States indicated that national statistical agencies draw data from judicial proceedings, police reports and other sources, both official and unofficial. The data may come from regional, provincial, state or public agencies. No respondent indicated the use of private agencies for the collection of data.

24. With regard to the infrastructure of the national agency responsible for data collection and maintenance, most have from 1 to 5 staff members. Two have from 11 to 20. One agency employs between 31 and 40 staff members, and two respondents have national agencies with more than 50 staff members.

25. A number of respondents provided also detailed information on the agency or agencies responsible for data collection, including: the Department of Criminal Policy in Argentina; the National Crime Statistics Unit in Australia, which annually publishes a document entitled *National Crime Statistics*; the Criminal Investigation Directorate of the Ministry of the Interior in Bahrain; and the Data-processing and Analysis Centre of the Ministry of Internal Affairs in Belarus. Statistics Canada is the national statistical agency that is required to collect, compile, analyse, abstract and publish statistical information on virtually every aspect of society and the economy, while the Canadian Centre for Justice Statistics is responsible for collecting and disseminating justice statistics and information to support the administration of justice in Canada, thus ensuring that accurate information regarding the nature and extent of crime and the administration of civil and criminal justice is available to the Canadian public. Statistics Finland is responsible for official data collection in Finland, with publications issued quarterly and annually, while in Germany, the Bundeskriminalamt of the Federal Ministry of the Interior collects national and provincial data on all forms of crime, which are published yearly. The National Institute of Statistics in Guatemala is responsible for compiling and preparing statistics at the national level, but it does not maintain crime statistics, which are kept by the Department of Public Prosecution, with the Supreme Court of Justice and the Ministry of the Interior also collecting relevant data. The police force collects national statistics on reported crimes in Guyana; in Greece, it is the Ministry of Public Order, State Security Department; and in Japan, it is the National Police Agency and the Judicial System and Research Department of the Ministry of Justice. The National Crime Record Bureau of the Ministry of Home Affairs in India publishes an annual report entitled *Crime in India*, and in Malaysia, the Royal Police compiles crime data. The National Institute of Statistics, Geography and Information Sciences produces economic, social and geographic data in Mexico, with the Ministry of the Interior and the Office of the Attorney-General also collecting relevant statistics. In Saudi Arabia, the Crime Prevention Research Centre of the Ministry of the Interior is responsible for data collection.*

III. COMPUTERIZATION OF CRIMINAL JUSTICE INFORMATION: REPLIES OF MEMBER STATES

26. The Commission, at its fifth session, considered the report of the Secretary-General entitled "Draft action plan on international cooperation and assistance with regard to statistical and computerized applications in the management of the criminal justice system" (E/CN.15/1996/13). In its resolution1996/11, the Council urged Member States to assist the Secretary-General in funding the establishment of an advisory steering group and to identify a standing pool of experts. As of 3 March 1997, seven States had provided comments on the matter.

27. Argentina noted its commitment to the establishment of an advisory steering group and a standing pool of experts, further stating that it would be hosting an expert group meeting in which those matters would be discussed.

28. Finland considered it necessary to establish the two bodies, and described some initiatives launched by the European Institute.

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*Brazil replied that because of the federal nature of its Government, it was unable to complete the form annexed to the resolution.

29. Guatemala was examining, in light of its financial restrictions, the possibility of appointing, as part of the advisory steering group, a public official who would be advised by a team of officials representing the Ministry of Foreign Affairs, the legislature, the judiciary and the Department of Public Prosecution.

30. Germany welcomed the proposal to establish an advisory steering group to allow for better communication with regard to international statistics. If required, experts from the Federal Ministry of Justice of Germany could, in the context of their regular work, render assistance to the group.

31. Japan indicated that it was ready to assist in the establishment of an advisory steering group to strengthen the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme. It noted that close coordination among the institutes comprising the Programme network would be required for the success of the steering group, but stressed the need to allow the institutes adequate autonomy in planning their work. Japan recommended that the size of the group should not exceed 10 persons, with five members representing the institutes comprising the programme network, and the remaining five representing Governments interested in funding the activities of the group. It also proposed that the Interregional Advisers for Crime Prevention and Criminal Justice of the Secretariat as well as the regional adviser assigned to the Economic and Social Commission for Asia and the Pacific should participate in the discussions of the steering group. Japan considered it appropriate for the Secretariat to draft a work plan indicating the concrete steps required to establish the steering group and to submit that work plan to the Commission at its sixth session for discussion.

32. Mexico considered the establishment of an advisory steering group an extremely important issue, since the computerization of criminal justice operations and the development of systems for the collection and exchange of data will assist in combating crime, in increasing the efficiency of procedures for the identification of offenders and in improving the administration of justice. Mexico recommended that the group should be a technically specialized consultative body for international assistance and cooperation, whose tasks would be to provide administrative, technical and legal advice to Member States and to intergovernmental organizations on the development of information systems. The group could be composed of a chairperson, a technical secretary and members who are highly respected specialists in the fields of computer science, statistics, crime prevention, rehabilitation, criminal justice and treatment of juvenile offenders. The group should encourage regional congresses with a view to analysing relevant systems. A legal instrument should be developed to formalize the constitution of the group and to regulate its organization and operation.

33. Spain indicated that it would be prepared to collaborate in the establishment of the group.

IV. TECHNICAL COOPERATION AND EXCHANGE OF INFORMATION

A. Computerization projects

34. On 2 December 1996, the Division convened a meeting with representatives from UNICRI, the European Institute and the Ministry of Justice of the Netherlands to review various computerization projects involving the different entities and to consider how better to share information with a view to providing better services to Member States. It was decided that the agency that receives a request for assistance would notify other relevant members of the Programme network to learn of other activities already undertaken in the requesting State, to seek advice and to gain information and materials. Where possible, the Interregional Advisers, before embarking on missions, should seek information from members of the Programme network to ensure that they have a complete overview of the activities at the site of the mission. Finally, staff mission reports of members of the Programme network would be exchanged periodically.

35. Recent computerization projects included:

(a) A pilot project to introduce information technology in the local courts of two cantons in Bosnia and Herzegovina. On the basis of a needs assessment mission conducted in December 1996, the Division, in coordination with the United Nations Development Programme, will implement the three-part project to include hardware, software and training of court staff in basic text processing and file maintenance;

(b) A project entitled "Assistance in the implementation of the concept of judicial reform in the Russian Federation and the federal programme of the Government of the Russian Federation on crime prevention and control", which has a component on the computerization of the criminal justice system, comprising five parts, as follows: organization of study tours to Member States; provision of training; pilot-project development in two regions; system implementation in the two regions concerned; and development and implementation of a computerized criminal justice system;

(c) An advisory mission on the introduction of computerization in the criminal justice system in Bulgaria, with a short-term plan for further development of the Bulgarian criminal records information system;

(d) Recent requests for assistance from the Programme have been received from the Governments of Albania, China, Latvia, Morocco, Mongolia, Poland, Peru, Romania and Russian Federation. Lack of funds have not yet permitted the fielding of needs assessment and project formulation missions.

B. Training

36. The Government of the Republic of Korea hosted an interregional training course "The United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries", organized by the Division, at Seoul from 9 to 13 September 1996, as a follow-up to a generous offer made at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.*

37. At the training course, the Division assembled five outside experts, each teaching one day of the five-day course, and 20 criminal justice officials from developing countries in Africa, Asia and Latin America who were in a position to formulate policy regarding the computerization of criminal justice management.

38. The goals of the course were as follows: first, to increase awareness of criminal justice officials in developing countries of the importance and capabilities of electronic networking and computerization in the daily management of the criminal justice system; and, secondly, to expose those officials to the current and proposed services of UNCJIN with a view to increasing their participation in it, pursuant to Council resolution 1995/27, section III, paragraph 6. The general aim was to encourage criminal justice agencies of developing countries to play an active role in UNCJIN by exchanging data and other information. In addition, the Division is producing a resource book on database development and electronic networking for use in similar courses, with the support of the host country of the training course.

39. The resource book will focus on the following issues: criminal justice information in the information age; key issues in introducing information technology in criminal justice: United Nations assistance to Member States in needs assessment and strategic planning; an introduction to UNCJIN and UNOJUST; strategies for

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*See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1, para. 64). See also Richard Scherpenzeel, ed., *Computerization in the Management of the Criminal Justice System*, European Institute Publication Series No. 30, in cooperation with the Ministry of Justice of the Netherlands (Helsinki, April 1996).

information management; legal and security issues; strategies for information dissemination; a glossary of technical terminology; and a listing of Internet resources in crime prevention and criminal justice.

40. The resource book, to be financed and printed by the Ministry of Justice of the Republic of Korea, is expected to be made available in the second half of 1997.

C. United Nations Crime and Justice Information Network/United Nations On-line Crime and Justice Clearing House

41. Since the establishment of UNCJIN by Council resolution 1986/11, the progress made to date to provide this service to Member States was due mainly to the generous contribution of the Bureau of Justice Statistics of the United States Department of Justice and the School of Criminal Justice, State University of New York, Albany. The Network is currently maintained and being further developed by the Division with the assistance of Vienna University (Austria). It consists of a computerized database with various types of information on global crime and justice developments and an electronic discussion group with several hundred members (see E/CN.15/1995/6/Add.1 and E/CN.15/1996/13).

42. Over the past two years, mainly owing to the strenuous efforts of the Secretariat, UNCJIN has expanded considerably, and currently services the international criminal justice community in cooperation with UNOJUST. The latter initiative, initially financed and supported by the United States National Institute of Justice, has provided the United Nations Crime Prevention and Criminal Justice Programme network with the technical and substantive means to create and electronically exchange information among the institutes comprising the network. The United States National Institute of Justice provided funds and expertise to the members of the network that have established their own Internet connections, via the following address: http://www.unojust.org/. Most recently, thanks to the assistance of the United States National Institute of Justice, the African Institute for the Prevention of Crime and the Treatment of Offenders at Kampala obtained access to UNOJUST and other electronic services available via the Internet.

V. FUTURE ACTIVITIES

43. The next step in the process of expanding the exchange of information within the United Nations Crime Prevention and Criminal Justice Programme network should be broader and more systematized electronic provision of information to the members of the Commission on Crime Prevention and Criminal Justice, as originally envisaged in the report of the Secretary-General on proposals for improving the clearing-house capacity of the United Nations crime prevention and criminal justice programme (E/CN.15/1995/6/Add.1, para. 12). Selected reports and other information are currently available to them through UNCJIN, via the following address: http://www.ifs.univie.ac.at/~uncjin/uncjin.html. The experience and assistance of the United Nations International Drug Control Programme, which has established electronic information services to Permanent Missions to the United Nations Office at Vienna, will be utilized, in order to provide similar full services to those missions, so far as substantive documentation for the Commission on Crime Prevention and Criminal Justice is concerned. During the session of the Commission, it will be briefed about possible ways and means of meeting this objective.

44. In order to review the aims of and to make recommendations for the future activities required to implement Council resolution 1996/11, the Government of Argentina hosted an expert group meeting entitled "Criminal Justice Management and Information Projects: Improving National and International Data Collection and Exchange" at Buenos Aires from 10 to 13 March 1997. The conclusions and recommendations of the Buenos Aires meeting have been made available to the Commission for its consideration in an addendum to the present report.